

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
November 19, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, November 19, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. The invocation was given by Dr. Wayne Price from Grace Episcopal Church.

Pledge of Allegiance to the Flag of the United States of America. Chairman Wiggins led the Pledge of Allegiance.

Chairman Wiggins recognized a member from Boy Scout Troop 94 who was present to obtain his Citizenship Badge.

HIGHWAY MATTERS

Mr. Steven W. Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), appeared before the Board to discuss highway matters of interest to York County. He informed the Board that on the third Wednesday of every month VDOT staff would hold a coordination meeting with the County staff to discuss any transportation and land development issues. He discussed the previous issues related to Seaford Road and stated he would try and get the road overlaid by 2004. He explained VDOT's position concerning unsafe roads, and stated it tried to facilitate improvements on secondary roads, and that the process was at the discretion of the County and the Board. He stated VDOT would be performing an intersection study at Colonial Road and Nelson where a stop sign would be installed. He reported on the work in the Lakeside Drive area, and mentioned that VDOT will be looking into the drainage issues on Windsor Lane and Lakeside Drive. He discussed York Crossing Road and whether a center line is needed since the inception of the no parking ordinance. He addressed Mansion Road and the development that will happen in that area in approximately one year. VDOT's maintenance crew has inspected the road and will determine later if a culvert should be replaced. He discussed Long Green Boulevard and its challenging intersection, stating the Department will work on improving that area. He indicated the drainage improvements at Wilson Farm Road were challenging and required an environmental permit because of the difficulties in cleaning the outfall since much of the County is surrounded by history or wetlands. He stated that VDOT was considering adding Olde Port Cove to its schedule next year for overlay and a new

November 19, 2002

asphalt surface. He stated the regional bike trail system at Waller Mill should be completed soon, and the tour road bridge on Route 17 which was damaged by a truck had been removed. VDOT personnel will be meeting with the National Park Service to determine the appropriate type of replacement bridge needed. The cost for the bridge will not come out of York County or VDOT's funds. Mr. Hicks stated he was hopeful that the Dare Road project would be completed within 60 days, but the final layer of asphalt would not be completed until spring.

Mrs. Noll asked who would pay for the replacement bridge.

Mr. Hicks stated it would be paid for by the National Park Service.

Mr. Burgett mentioned the patched area of Winders Pond and Lakeside Drive and that the manhole was still sticking up above the pavement. He asked that it be leveled out. He asked about adding yellow lines at intersections and voiced his concerns over vehicles making a left-hand turn at Winders Pond. He asked about the yellow lines at York Crossing and VDOT's practice on adding yellow lines to roads.

Mr. Hicks explained that normally a road like York Crossing Drive would not have a painted centerline. When the problem with commercial vehicle parking came up, the traffic engineering department thought "out of the box" and moved the line. Now, bringing it back within policy may mean that it is eliminated completely.

Mr. Burgett then mentioned potholes on Dare Road and asked Mr. Hicks to take a look at those.

Mr. Shepperd commended VDOT in its effort to respond to requests for improvements. He discussed Wilson Farm Lane and thanked VDOT for completing that project and for patching the areas in Olde Port Cove. He stated he would be contacting Mr. Hicks in the future regarding the timing of stoplights on Route 17.

Chairman Wiggins mentioned his concerns regarding the corner of Brightwood Terrace and Sunshine Way and stated that a stop sign was needed. He asked when the paving of Route 238 would take place.

Mr. Hicks stated he will check on the status of the paving and the stop sign.

Chairman Wiggins asked about Wildey Road and its paving. He explained it had a sharp curve and, when it rained, the water backed up at the curve preventing a citizen's septic tank from working. He asked if a pipe could be run across the road into the drainage ditch.

Mr. Hicks expressed his concern about whether or not the work could be done within VDOT's right-of-way, and he stated he would look into the matter.

PRESENTATIONS

AUDIT REPORT

Mr. Chris Toney, a partner with the firm of Goodman and Company, appeared to make a presentation on the York County Financial Statement. He indicated the financial statements present fairly the financial position of the County and the results of its operation in accordance with generally accepted accounting principles. He then thanked Carol White and Mary

Ann Kirish of the Department of Financial and Management Services and their staff for the completion of the necessary financial documents. He also informed the Board that next year the County's financial statements will change drastically as to their content under the Governmental Accounting Standards Board Opinion Number 34 that the County will be required to implement next year.

CITIZENS COMMENT PERIOD

Mr. Brian Richards, manager of Wal-Mart, appeared to update the Board on the progress of the landscaping issues surrounding Wal-Mart's neighboring property. He addressed previous problems in the past with landscaping contractors, but stated it has now taken steps to correct the problems. Wal-Mart is installing an irrigation system and will replace the dead shrubs. The target date for completion is December 10, 2002.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett mentioned that he had attended a seminar hosted by the Innovations Group on HIPA (Health Insurance Portability and Accountability Act). This act ensures that when employees move from one job to another, they don't lose health insurance coverage. He will be working with staff to implement various requirements and procedures associated with this program. He stated he sent a draft of the revised Joint Development Agreement to the Yorktown Trustees and expressed hope for its adoption in January. He also explained the need to have Martiau Street vacated since the right-of-way runs through Nick's parking lot. He noted that the County will need to acquire title to this property.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board that its joint work session with the School Board had been rescheduled until after the first of the year, tentatively scheduled for January 14. He also reminded the Board of its regularly scheduled meetings on December 3 and December 17, followed by the yearly organizational meeting on January 7, 2003. He mentioned the possibility of a Board retreat, and staff will follow up on possible dates.

Meeting Recessed. At 7:54 p.m. Chairman Wiggins declared a short recess.

Meeting Reconvened. At 8:02 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

WATER SUPPLY EMERGENCY ORDINANCE

Mr. Barnett made a presentation on proposed Ordinance No. 02-21(R) to declare a water supply emergency and to adopt restrictions for outdoor water use and to provide penalties for violations thereof. He explained that the governor put into effect Emergency Order 33 that declared a statewide emergency and imposed certain water restrictions. The County enforced these restrictions by adopting an Emergency Ordinance which is valid for only 60 days. He

November 19, 2002

stated the language in the proposed ordinance gives the County a floating ordinance that complies with the Governor's emergency order.

Mr. John Hudgins, Director of Environmental and Development Services, explained that the water situation was definitely improving, but that the drought conditions weren't over. He spoke about some of the Newport News Waterworks' restrictions and its plans to drop back to Level I water restrictions. He explained some other concerns which were groundwater re-charge in the well system in which 6,800 wells were lost statewide.

Mrs. Noll asked about the Newport News Waterworks' lost revenues and if fees would be raised to make up for the lost revenues.

Mr. Hudgins was not certain as to how the lost revenues would be recovered.

Mr. Burgett asked if the mandatory Level II water restrictions were still in effect from Newport News, and if lawns could be watered and cars washed.

Mr. Hudgins stated the Governor had lifted restrictions on outdoor water use and that the restrictions were based on previous winter levels.

Discussion ensued on the water restrictions.

Mr. Zaremba suggested that the County provide information to the citizens regarding the water restrictions.

Chairman Wiggins called to order a public hearing on proposed Ordinance 02-21(R) which was duly advertised as required by law and is entitled:

AN ORDINANCE IN ACCORDANCE WITH THE GOVERNOR OF VIRGINIA'S EXECUTIVE ORDER 33 FOR DECLARATION OF A WATER SUPPLY EMERGENCY PURSUANT TO VIRGINIA CODE SECTIONS 15.2-924, 44-146.19, AND 44-146.21 AND TO ADOPT RESTRICTIONS FOR OUTDOOR WATER USE AND TO PROVIDE PENALTIES FOR A VIOLATION THEREOF

There being no one present who wished to speak concerning the subject ordinance, Chairman Wiggins closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance R02-21(R) which reads:

AN ORDINANCE IN ACCORDANCE WITH THE GOVERNOR OF VIRGINIA'S EXECUTIVE ORDER 33 FOR DECLARATION OF A WATER SUPPLY EMERGENCY PURSUANT TO VIRGINIA CODE SECTIONS 15.2-924, 44-146.19, AND 44-146.21 AND TO ADOPT RESTRICTIONS FOR OUTDOOR WATER USE AND TO PROVIDE PENALTIES FOR A VIOLATION THEREOF

WHEREAS, the Commonwealth of Virginia, the Hampton Roads Area and the County of York have experienced an extended period of drought and the level of surface water impoundments, rivers, underground aquifers, and other drinking water sources have declined substantially; and

WHEREAS, August 30, 2002, the Governor of Virginia issued Executive Order 33 (2002) which prohibits many uses of surface water and groundwater, including but not limited to watering lawns, washing vehicles, filling swimming pools, irrigating golf courses (with certain limited exceptions for each); and

WHEREAS, the Governor's Executive Order 33 (2002) authorizes localities to "establish, collect and retain fines for violation of these restrictions;" and

WHEREAS, pursuant to Virginia Code Section 15.2-924, the Board of Supervisors of York County, Virginia, on September 17, 2002, declared that a water supply emergency exists and that the adoption of restrictions on the use of outdoor water is necessary in order to protect the health, safety, and welfare of the citizens of the County of York; and

WHEREAS, pursuant to Virginia Code Section 44-146.21, the Board of Supervisors of York County, Virginia, on September 17, 2002, declared a local state of emergency by virtue of the drought, and pursuant to Code of Virginia Section 44-146.19 adopted an emergency ordinance, Ord. No. 02-18, to regulate the use of resource systems following the declaration of a state of emergency by the Governor; and

WHEREAS, Virginia Code Section 15.2-1427 authorizes local governing bodies to adopt emergency ordinances effective for a period not to exceed 60 days without public advertising, and this Board desires to reenact the water emergency ordinance following public advertisement so that the ordinance will continue in effect beyond such 60 day period.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 19th day of November, 2002, that the following water usage restrictions are hereby reenacted, as follows:

Section 1. Declaration of emergency affecting water supply.

Due to the decreased level of above ground and underground water supplies affecting the public water systems serving County residents and the anticipated demand for water in the immediate future, and due to the Governor's Executive Order 33 (2002), the Board of Supervisors of York County hereby declares and finds pursuant to Code of Virginia Sections 15.2-924 and 44-146.21 that a water supply emergency exists amounting to a local emergency which necessitates the adoption of this Ordinance mandating restriction on the use of water in the County under the terms and condition set forth herein.

Section 2. Definitions.

The following words and phrases, when used in this Ordinance, shall have the meaning ascribed to them below, except in those instances where the context clearly indicates a different meaning:

Assessment date: The date of the notice imposing the fine for a violation of this Ordinance.

Lawn: Grass areas of any property, including residential, commercial or industrial areas, but excluding agricultural fields and athletic fields.

New or refurbished lawn or fairway: a new lawn or fairway under construction or an existing lawn or fairway area which has been over-seeded or resodded.

Person: Any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

Vehicle: A motor vehicle or semi-trailer as defined in Virginia Code Section 46.2-100, which requires titling and registration pursuant to Virginia Code Section 46.2-600 et. seq.

Section 3. Mandatory surface and ground water use restriction measures.

All persons and households in the County shall limit their use of water, which includes water from the public water system, and ground water consistent with the Executive Order, and in accordance with this section:

- (a) Lawns: Watering of lawns is prohibited at all times. New or refurbished lawns may be watered for a period not to exceed 30 days.
- (b) Vehicle Washing: Vehicle washing by persons other than commercial car washes is prohibited at all times. Commercial car washes, auto dealers, body shops and car rental agencies are permitted to operate under normal conditions, except that such businesses may not wash corporate fleet vehicles.
- (c) Swimming Pools: Filling is prohibited at all times, with the exception of pools used by health care facilities for patient care and rehabilitation, which are permitted to operate under normal conditions. New or repaired pools may be filled as needed to maintain the structural integrity of the pool. Indoor pools may be filled as necessary to ensure swimmer health and safety.
- (d) Golf Courses: Watering of tees and greens is permitted daily between the hours of 8:00 p.m. and 8:00 a.m. All other watering is prohibited at all times, except that new and refurbished fairways may be watered for a period not to exceed 30 days and the hand watering of greens by means of a hose with an automatic shut-off nozzle which is continuously attended.

Section 4. When restrictions go into effect.

The water use restrictions set forth in this Ordinance shall take effect immediately. The water use restrictions shall remain in effect, unless the provisions of Executive Order 33 (2002) are sooner terminated, or amended, or suspended by the Governor or his duly authorized representatives. In the event of a termination, amendment or suspension, the County's enforcement of this Ordinance shall be similarly terminated, amended or suspended.

Section 5. Violation.

It shall be a violation of this Ordinance for any person to use water, or allow or cause the use of water, in violation of the provisions of this Ordinance.

Section 6. Penalty.

- (a) Any person who violates any provision of this Ordinance shall be subject to the following fines:
 - (1) For the first offense, violators shall receive a written warning.
 - (2) For the second offense, violators shall be fined \$50.00.

- (3) For the third offense, violators shall be fined \$100.00.
 - (4) For the fourth offense and subsequent offense, violators shall be fined \$250.00.
 - (5) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.
- (b) The County, or its designee, shall serve the written warning or assessment of fine by either:
- (1) Hand delivering the document to the violator or other adult occupying or employed by a business on the property where the violation occurred; or
 - (2) Posting the document on the front door of the primary structure and mailing, by first class U.S. Mail, a copy of the document to the owner of record at the current mailing address contained in the County's Real Estate Assessment records for the property where the violation occurred.
- (c) Persons who have been assessed a fine shall have the right to challenge the assessment by providing a written notice to the County Administrator within ten (10) days of the date of the assessment of the penalty. The County Administrator or his designee shall determine whether the fine was properly assessed and notify the complaining person in writing of his determination. Should the County Administrator or his designee determine that the fine was properly assessed, the person may challenge that determination within ten (10) calendar days of receiving the notice of determination by filing an action in court.
- (d) The County Administrator or his designee may waive the penalty if he determines that the violation occurred due to no fault of the person.

Section 7. Severability.

The provisions of this Ordinance are severable, and the invalidity of any provision in the Ordinance, as determined by a court of competent jurisdiction, shall not affect the validity of any other provision in the Ordinance.

Section 8. Effective Date.

This Ordinance shall take effect immediately.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

VACATION OF EASEMENT

Mr. Barnett made a presentation on proposed Resolution R02-191 to authorize the vacation of a utility easement across property owned by Robert L. and Michelle A. Calloway in connection with the Tide Mill sewer project.

November 19, 2002

Chairman Wiggins called to order a public hearing on proposed Resolution R02-191 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE EXECUTION OF AN INSTRUMENT
VACATING A COUNTY UTILITY EASEMENT ACROSS PROPERTY
OWNED BY ROBERT L. CALLOWAY AND MICHELLE A. CALLOWAY
IN CONNECTION WITH THE TIDE MILL SEWER PROJECT

There being no one present who wished to speak concerning the subject resolution, Chairman Wiggins closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R02-191 that reads:

A RESOLUTION TO AUTHORIZE EXECUTION OF AN INSTRUMENT
VACATING A COUNTY UTILITY EASEMENT ACROSS PROPERTY
OWNED BY ROBERT L. CALLOWAY AND MICHELLE A. CALLOWAY
IN CONNECTION WITH THE TIDE MILL SEWER PROJECT

WHEREAS, by virtue of an easement deed dated August 9, 2001, and recorded as Instrument No. 010015133 in the Clerk's Office of the York County Circuit Court, a permanent utility easement was created across certain property owned by the landowners in connection with the construction of the Tide Mill sewer project; and

WHEREAS, existing underground utilities were discovered on the landowner's property that hindered the ability of the contractor to install the sewer line; and

WHEREAS, the landowners have conveyed to the County appropriately relocated additional easements in exchange for the vacation of the existing easement which will be rendered superfluous by reason of the dedication; and

WHEREAS, this matter has been duly advertised for a public hearing as required by Code of Virginia § 15.2-1800, and this Board is of the opinion that such easement should be vacated.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of November, 2002, that the County Administrator be, and is hereby authorized, for and on behalf of the Board to execute an instrument vacating the said easement, such instrument to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins,
Nay: (0)

AGREEMENT WITH THE CITY OF WILLIAMSBURG FOR BOUNDARY LINE ADJUSTMENT

Mr. Barnett made a presentation on proposed Resolution R02-159 to approve a Voluntary Agreement of Annexation and Deannexation between the County of York, Virginia, and the City of Williamsburg, Virginia.

Mr. Shepperd referred to the section of the State code that deals with annexation and asked if it protects York County from annexation and what the implications were.

Mr. Barnett explained the County is immune from city-initiated annexation and that this action is a voluntary boundary line adjustment.

Chairman Wiggins called to order a public hearing on proposed Resolution R02-159 which was duly advertised as required by law and is entitled:

A RESOLUTION APPROVING A VOLUNTARY AGREEMENT OF ANNEXATION AND DEANNEXATION BETWEEN THE COUNTY OF YORK, VIRGINIA, AND THE CITY OF WILLIAMSBURG, VIRGINIA

There being no one present who wished to speak concerning the subject resolution, Chairman Wiggins closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R02-159 that reads:

A RESOLUTION APPROVING A VOLUNTARY AGREEMENT OF ANNEXATION AND DEANNEXATION BETWEEN THE COUNTY OF YORK, VIRGINIA, AND THE CITY OF WILLIAMSBURG, VIRGINIA

WHEREAS, there exist a number of parcels of real estate in the vicinity of Richmond Road (U. S. Route 60) and Mooretown Road (State Route 603) which are divided by the common boundary line between the County of York and the City of Williamsburg; and

WHEREAS, the public interest will be served by a relocation of the common boundary line between the City and the County in order to wholly incorporate such parcels into either the City or the County as shown on a plat consisting of one sheet entitled "Jurisdictional Boundary Adjustment Between York County, Virginia, and City of Williamsburg," dated April 11, 2002, revised September 10, 2002, and on a plat consisting of two sheets entitled "Jurisdictional Boundary Adjustment Between York County, Virginia, and City of Williamsburg," dated April 15, 2002, revised September 10, 2002, both plats made by Precision Measurements, Inc. which are hereby made a part of this resolution by reference.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of November, 2002, that pursuant to Code of Virginia §§ 15.2-3106 *et seq*, the Chairman of the Board of Supervisors and/or the York County Administrator are authorized to execute a certain voluntary agreement for annexation and deannexation between the County of York and the City of Williamsburg, Virginia, as attached to the County Attorney's memorandum of October 28, 2002, relocating the common boundary line between the two jurisdictions as shown in the above-referenced plat; and

BE IT FURTHER RESOLVED that the County Administrator and the County Attorney are authorized to take such further action as may be required pursuant to the Code of Virginia §§ 15.2-3108 *et seq* to petition the circuit court of the City of Williamsburg or the County of York to enter an appropriate order approving such voluntary agreement.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins,
Nay: (0)

November 19, 2002

APPLICATION NO. UP-606-02, ZAC ENTERPRISES

Mr. Mark Carter, Planning and Zoning Manager, made a presentation on Application No. UP-606-02 requesting a use permit to authorize a drive-in restaurant at 721 East Rochambeau Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-175.

Mr. Shepperd asked if the property would fit if the property were smaller and if there was room for an addition if needed. He asked about the traffic volume at a fast food restaurant as opposed to a retail establishment.

Mr. Carter agreed that the facility could have been smaller, and he explained that the ordinance requires only 10 feet on each side. He stated the area could accommodate an addition if needed. He explained that since the facility would be used as a fast food restaurant, the traffic generation numbers would be different from a retail use. He added that, as part of the site plan submission, the applicant will have to submit an amended traffic study to document that this particular use does not in any way adversely impact the traffic improvements that are already proposed for the shopping center.

Mr. Shepperd asked about the berm used to shield the buffer site from East Rochambeau Drive.

Mr. Carter described the purpose of the berm which is to help obscure the direct lines of vision to the parking areas.

Chairman Wiggins called to order a public hearing on Application No. UP-606-02 which was duly advertised as required by law. Proposed Resolution R02-175 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A DRIVE-IN RESTAURANT AT 721 EAST ROCHAM-
BEAU DRIVE

There being no one present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Zaremba asked if the cones would be installed as shown in the drawings, and he referred to the non-colonial design that the building presented. He expressed concern about the future of the building should the business close.

Mr. Carter stated the cones would be installed, and he pointed out that the tall sign, as indicated on the photograph, would not be allowed under the ordinance and would not be installed. Discussion followed.

Chairman Wiggins pointed out that the site plan had been submitted to the City of Williamsburg but that no comments or responses were received.

Mr. Carter explained that the Planning Commission agendas, including the background material, are automatically sent to both Williamsburg and James City County. He confirmed that no comments were received by the City of Williamsburg or James City County.

Mrs. Noll asked if the same procedure was used for the City of Hampton and the City of Newport News.

Mr. Carter stated the standard practice is to distribute the agendas to all the surrounding localities.

Mr. Harry Matthews, Jr., Director of Engineering for The TAF Group, stated that ZAC Enterprises fully intended to be a good citizen of the County and the good faith effort is represented in part by the landscaping that has been presented.

Mr. Burgett asked how many Sonics exist in the United States.

Mr. Bill Ganning, representing ZAC Enterprises, stated there are over 2,000 restaurants in the United States.

Mr. Burgett moved the adoption of proposed Resolution R02-175 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A DRIVE-IN RESTAURANT AT 721 EAST ROCHAM-
BEAU DRIVE

WHEREAS, ZAC Enterprises has submitted Application No. UP-606-02, which requests a special use permit, pursuant to Section 24.1-306 (Category 11, No. 15) of the York County Zoning Ordinance, to authorize a drive-in restaurant located at 721 East Rochambeau Drive (Route F-137) and further identified as Assessor's Parcel No. 2-17-B; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of November, 2002, that Application No. UP-606-02 be, and it is hereby, approved to authorize a drive-in restaurant subject to the following conditions:

1. This use permit shall authorize a drive-in restaurant located at 721 East Rochambeau Drive (Route F-137) and further identified as Assessor's Parcel No. 2-17-B.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan shall be in substantial conformance with the plan titled "Sonic @ Rochambeau, York County, VA;" sheet L-1 of 11, prepared by The

November 19, 2002

TAF Group, dated July 25, 2002, received by the Planning Division August 28, 2002 and building elevations submitted to the Planning Division on July 31, 2002.

3. Freestanding identification signage shall be limited to a single monument sign in substantial conformance with the monument sign elevation received by the Planning Division on August 28, 2002. Brick fascia used on the base of the sign shall match that of the building façade.
4. Brick used for the façade of the building as shown in architectural elevations submitted by the applicant shall be of a material and color that is compatible with the brick used for the Lowe's and Wal-Mart stores co-located within the Cedar Valley Shopping Center.
5. A traffic impact analysis, prepared by a transportation engineer or transportation planner in accordance with the requirements set forth in Section 24.1-251(b)(1) of the York County Zoning Ordinance, shall be submitted for review and consideration by the County and the Virginia Department of Transportation at time of initial application for site plan approval.
6. With the exception of the decorative neon lighting on the exterior of the canopies and poles at the west end of the building, site lighting shall be shielded and directed downward to prevent off-site illumination. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA).
7. Volume levels of all outside speakers shall be such that speaker sound is not audible off-site.
8. Landscaping shall be substantially in accordance with the plan referenced in Condition #2 above. To accomplish buffering of East Rochambeau Drive, landscaping on the berm at the west end of the site shall be a mix of evergreen and deciduous trees and shrubs in a ratio satisfactory to the Zoning Administrator.
9. In accordance with the provisions of Section 24.1-115(d) of the Zoning Ordinance, significant modifications to this approval as determined by the Zoning Administrator shall require that a new use permit application be submitted for review. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins,
Nay: (0)

Mr. Carter made a presentation on Application No. 608-02 requesting an amendment to a previously approved Special Use Permit authorizing a 3,700 square foot expansion of the Bargain Box Thrift Store at 222 Dare Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-186.

Chairman Wiggins called to order a public hearing on Application No. UP-608-02 which was duly advertised as required by law. Proposed Resolution R02-186 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO AMEND A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO AUTHORIZE A 3,700-SQUARE FOOT EXPANSION OF THE BARGAIN BOX THRIFT STORE AT 222 DARE ROAD

There being no one present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Burgett then moved the adoption of proposed Resolution R02-186 which reads:

A RESOLUTION TO APPROVE AN APPLICATION TO AMEND A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO AUTHORIZE A 3,700-SQUARE FOOT EXPANSION OF THE BARGAIN BOX THRIFT STORE AT 222 DARE ROAD

WHEREAS, the York County Volunteer Association has submitted Application No. UP-608-02, which requests an amendment to a previously approved Special Use Permit to authorize a 3,700-square foot expansion of The Bargain Box thrift store located on 2.3 acres of land located at 222 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-3-1; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of November, 2002, that Application No. UP-608-02 be, and it is hereby, approved to amend a previously approved Special Use Permit to authorize a 3,700-square foot expansion of The Bargain Box thrift store located at 222 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-3-1 subject to the following conditions:

1. This approval shall amend a previously approved Special Use Permit (Application No. 75-UP4, approved by the York County Board of Supervisors on April 3, 1975) to authorize a 3,700-square foot expansion of The Bargain Box thrift store located at 222 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-3-1.

November 19, 2002

2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction or land clearing activities on the site. Except as modified herein, said site plan shall be in substantial conformance with the sketch plan submitted by the applicant, a copy of which shall be kept on file in the York County Department of Environmental and Development Services, Division of Development and Compliance.
3. Pursuant to Section 24.1-323(b) of the Zoning Ordinance, the minimum side yard building setback shall be fifteen feet (15') rather than ten feet (10') as depicted on the referenced sketch plan.
4. The existing septic tank shall be relocated prior to the issuance of a building permit for the building addition. The relocated septic system shall meet all applicable requirements of this Code and the Virginia Department of Health. Specifically, in accordance with Section 7.1-14(b) of the York County Code, no structure shall be within five feet (5') of the septic tank and eight feet (8') of the drain field, measured horizontally.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins,
Nay: (0)

APPLICATION NO. UP-609-02, YORK RIVER, LLC

Mr. Carter made a presentation on Application No. UP-609-02 requesting a use permit to authorize an office within an existing building located at 3201 Old Williamsburg Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-187.

Mr. Burgett asked if this would be the main office for the business, and he addressed the HUB Zone qualifications. He mentioned the importance of hiring employees from York County to fully realize the HUB Zone benefits.

Mr. Carter stated that all of Census Tract 505 was a HUB Zone. He pointed out that it was still a HUB Zone under the federal guidelines, and what the Board did with the recent rezoning was to substantially increase the opportunity and attractiveness of the Lackey commercial area for businesses that may be involved in the federal procurement process.

Mrs. Noll noted that 35 percent of the employees have to be hired from the HUB Zone, but not necessarily from the Lackey area. They can be hired from any HUB Zone.

Mr. Zaremba asked Mr. Carter to explain for the citizens what a HUB Zone was.

Mr. Carter stated HUB Zone stands for Historically Underutilized Business Zone, which is a program designation by the federal government that provides opportunities for preferential treatment under the federal procurement process. It provides incentives for businesses that operate from within HUB Zones to compete in the procurement process. The requirement is that the businesses hire at least 35 percent of its employees who reside in a HUB Zone,

whether or not it is that particular HUB Zone or another HUB Zone. It is a business incentive that is designed to encourage employment and investment in the community.

Chairman Wiggins called to order a public hearing on Application No. UP-609-02 which was duly advertised as required by law. Proposed Resolution R02-187 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
USE PERMIT TO AUTHORIZE AN OFFICE WITHIN AN EXISTING
BUILDING LOCATED AT 3201 OLD WILLIAMSBURG ROAD.

Ms. Kathy McQuade, President of York River Electric, appeared to support the application and to answer any of the Board's questions. She stated that York River Electric wishes to remain in the County as a HUB Zone business.

There being no one else present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R02-186 that reads:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
USE PERMIT TO AUTHORIZE AN OFFICE WITHIN AN EXISTING
BUILDING LOCATED AT 3201 OLD WILLIAMSBURG ROAD.

WHEREAS, York River Electric has submitted Application No. UP-609-02, pursuant to Section 24.1-306 (Category 11, No. 9) of the York County Zoning Ordinance, which requests a Special Use Permit to authorize the conversion of an existing single-family residence to an office building located at 3201 Old Williamsburg Road and further identified as Assessor's Parcel No. 018-4-3; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of November, 2002, that Application No. UP-609-02 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 9) of the York County Zoning Ordinance, subject to the following conditions:

1. This use permit shall authorize the establishment of an office in an existing structure on property located at 3201 Old Williamsburg Road and further identified as Assessor's Parcel No. 18-4-3.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to establishment of the office on the subject property. This shall include a landscape plan depict-

November 19, 2002

ing ten (10) foot vegetative buffers along all property lines. Except as modified herein, the site plan shall be in substantial conformance with the sketch plan by Campbell Land Surveying, Inc., titled "Site Improvement Sketch, York River Electric," prepared and dated August 23, 2002.

3. Appearance and arrangement of lighting shall be of a form, character, appearance and arrangement fully compatible with the residential area.
4. Signage shall be limited to one (1) twenty-four (24) square foot freestanding, ground-mounted monument type sign with a maximum height of six (6) feet.
5. Connection to the County sewer system shall be required in accordance with Section 18.1-62 (a) of the York County Code in the event the property at some future time is deemed to have access to the County sewer facilities.
6. The existing driveways on the eastern side of the property shall be removed. The western entrance shall be in accordance with Virginia Department of Transportation (VDOT) standards for commercial entrances.
7. The existing entrance ditch area shall be reshaped to ensure the entrance drainage pipe properly drains.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins,
Nay: (0)

MATTERS PRESENTED BY THE BOARD

Mr. Burgett stated he had attended a meeting of the Congressional First District Committee in an effort to keep the local military bases open. He stated he attended the Economic Development's Occasion for Industry dinner and the open house of Ryson International. He also attended the Youth Commission meeting, the Greater Peninsula Workforce Development Consortium, and the Workforce Investment Board Retreat. He suggested that the Dean of the Peninsula Workforce Development Center appear before the Board to make a presentation on workforce development in the near future. Mr. Burgett stated he attended the Senior Center's Eleventh Year Anniversary, and he will be meeting with school administrators and staff on Thursday to keep up with what is going on in the schools. He thanked John Hudgins and Al Maddalena for helping a citizen in his district with a new subdivision.

Mr. Shepperd reported on the Town Meeting he held on October 30 at Tabb Elementary School, stating that between 65-70 people from his district attended. He thanked the staff for its help in coordinating the meeting and the volunteers for handing out the flyers. He noted he plans on conducting another meeting in March or April. He stated he was Chairman of the Regional Issues Committee which is made of James City County, Williamsburg, and York County; and he elaborated on some of the issues concerning this committee. He stated the staff of the

three localities were going to come together to discuss the Comprehensive Plans from each of them, and they will take a look at the zoning of the Route 199 corridor. He cited other examples of what the committee is proposing.

Mrs. Noll spoke on attending the VACo Conference, stating one of the topics was the State's budget. The Governor was a keynote speaker at the conference to discuss the budget. She thanked the election officials who worked election day with the difficulty they faced because of the new election precincts established as a result of the last Census. She noted that President Bush had declared November as Military Family Month, and stated there are many military families that devote a great deal of time to our schools and sports clubs and volunteer generally. She commented on a letter from the Landmark Design Group that complimented and Al Maddalena and his staff for their assistance on the approval process for the Water Country Action River Development Plan. Mrs. Noll stated she had attended the Workforce Development Dinner with a national speaker who indicated Virginia is doing well in its plans for workforce development. She noted she had attended a Historical Triangle Working Group that deals with the activities planned for the 2007 celebration, and she stated one of the items the group is working on is the transportation issues that will impact the area locally.

Mr. Zaremba reported on an editorial in the Daily Press entitled "Local Government Can't Clean-Up the State's Mess." He read some of the comments from the article, including that the Clerk of Court's Office in the City of Hampton will be losing \$70,000 which will mean staff layoffs. The Commonwealth Attorney's Office faces an \$82,000 cut, implying layoffs and that the office may stop prosecuting some misdemeanor cases. He cited more examples of cuts and implied layoffs. He stated that York County's Clerk of Court has advised the Board of the expected shortfall in that office and has requested that the Board help meet the shortfall. He expressed his concern about the services and programs that will be affected by the State's budget cuts.

Chairman Wiggins noted he had also attended several meetings where the main topic of discussion was the State's budget cuts. The consensus of those attending the meetings was that the localities would not pick up any of the slack that was created by the State's cutbacks. He stated that on October 18 he attended an awards ceremony sponsored by the Daily Press honoring local public safety professionals. The York County employees who received awards were Lt. Richard Paul Long; Donna Galganski-Pabst, Firefighter/Paramedic; Jane Jackson, 911 Telecommunicator; and David Bark, Deputy Sheriff/Crime Prevention Officer. He thanked everyone involved in helping with the Yorktown Day celebration on October 19.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 7, 8, 9, and 10, respectively.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

October 1, 2002, Regular Meeting.
October 8, 2002, Adjourned Meeting.

November 19, 2002

October 15, 2002, Regular Meeting.

Item No. 8. COLONIAL AREA FAMILY AND INTIMATE PARTNER VIOLENCE FATALITY REVIEW TEAM: Resolution R02-189.

A RESOLUTION TO ESTABLISH THE COLONIAL AREA FAMILY AND INTIMATE PARTNER VIOLENCE FATALITY REVIEW TEAM

WHEREAS, the establishment of the Colonial Area Family and Intimate Partner Violence Fatality Review Team would serve the following purposes:

- ? identifying and describing trends and patterns of domestic violence related deaths in the cities of Williamsburg and Poquoson, as well as, the counties of York and James City;
- ? increasing coordination and communication between agencies providing services to families experiencing domestic violence;
- ? and identifying interventions aimed at system improvements.

WHEREAS, family and intimate partner violence has destructive consequences upon individuals and families within this region; and

WHEREAS, the General Assembly enacted Section 32.1-283.3 of the Code of Virginia, 1950, as amended, to permit locales to establish a family violence fatality review team to examine fatal family violence incidents and to create a body of information to help prevent future family violence fatalities; and

WHEREAS, careful examination of family and intimate partner violence fatalities will yield results to help prevent similar tragedies from recurring; and

WHEREAS, a thoughtful and nonjudgmental method of evaluating the events that lead to family and intimate partner violence fatalities will create a safer community.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of November, 2002, that the County Administrator be, and he is hereby, directed to take the steps necessary to establish The Colonial Area Family and Intimate Partner Violence Fatality Review Team.

BE IT FURTHER RESOLVED that the Colonial Area Family and Intimate Partner Violence Fatality Review Team shall have the authority to review the facts and circumstances of all the family and intimate partner violence incidents that occur within the County of York and all information and records obtained or created regarding the review of a fatality shall be considered confidential and shall be excluded from the Virginia Freedom of Information Act.

BE IT STILL FURTHER RESOLVED, that the Colonial Area Family and Intimate Partner Violence Fatality Review Team will identify gaps in system responses and work to provide increased communication and collaboration amongst the agencies involved.

BE IT STILL FURTHER RESOLVED, that the Colonial Area Family and Intimate Partner Violence Fatality Review Team will operate under the assumption that all persons and agen-

cies involved care deeply about preventing violence within the family and operate in good faith, using the best judgment and information available at the time.

BE IT STILL FURTHER RESOLVED, that the following individuals, or their designee, may serve on the Team pursuant to Section 32.1-283.3 (D) of the Code of Virginia:

Commonwealth's Attorney Office

Williamsburg/James City County
Commonwealth's Attorney
Mike McGinty
York County & Poquoson
Commonwealth's Attorney
Eileen Addison

Domestic Violence Program Professional

Avalon: A Center for Women and Children
Executive Director
Barbara Seibert

Mental Health Professionals

Colonial Mental Health
Outpatient Counseling Director
Randy Walton, Ph.D.

Health Care Community

Williamsburg Community Hospital
Sexual Assault Nurse Examiners Program
Administrator, Jamie Sanderson

Law Enforcement Officials

James City County Police
Chief Daigneault
Poquoson Police Department
Chief White
Williamsburg Police
Chief Yost
York County Sheriff's Office
Sheriff Diggs

Medical Examiner

Dr. Provenzano

Probation Professionals

Colonial Community Corrections
Director
Katie Green

Department of Social Services

James City County DSS Director
Diana Hutchens
York County/Poquoson DSS Director
Earl Blythe
Williamsburg DSS Director
Peter Walentisch

Other disciplines/members may participate at the discretion of the team.

November 19, 2002

BE IT STILL FURTHER RESOLVED, that the Colonial Area Fatality Review Team will offer recommendations to area service providers which benefit our communities and improve our public safety.

BE IT STILL FURTHER RESOLVED, that the York County Board of Supervisors, as well as, the local governing boards of the cities of Williamsburg and Poquoson and the County of James City, will establish the Colonial Area Family and Intimate Partner Violence Fatality Review Team, and the Team shall establish local rules and procedures to govern the review process.

BE IT STILL FURTHER RESOLVED, that the members of the Fatality Review Team shall elect a Chairperson and Vice-Chairperson and that these positions will rotate among the members.

Item No. 9. EMPLOYEE OF THE QUARTER: Resolution R02-192.

A RESOLUTION TO COMMEND FRANCES C. WILSON IN THE OFFICE OF THE COMMONWEALTH'S ATTORNEY AS EMPLOYEE OF THE QUARTER

WHEREAS, Frances C. Wilson has been employed in the Office of the Commonwealth's Attorney since July of 1997, and currently holds the position of Victim-Witness Director; and

WHEREAS, in addition to her regular duties, Ms. Wilson has taken on other responsibilities such as Chairperson for the York/Poquoson Child Advocacy Team in which she planned a Celebrity Luncheon for the purpose of raising funds for Child Advocacy activities; and

WHEREAS, Ms. Wilson has also raised money for the County's Relay for Life Team and single-handedly planned a Candlelight Vigil that was held outside the Courthouse for Victims Rights Week; and

WHEREAS, while being involved in all of these activities, Ms. Wilson's work has never faltered, nor did her positive attitude and disposition;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of November, 2002, that Frances C. Wilson, Victim Witness Director, be, and she is hereby, congratulated upon her selection as Employee of the Quarter for the quarter ended September 30, 2002.

Item No. 10. REQUEST FOR APPROVAL FOR TAX REFUND: Resolution R02-195.

A RESOLUTION TO AUTHORIZE A TAX REFUND TO VERIZON WIRELESS

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

November 19, 2002

WHEREAS, Verizon Wireless has made a proper request for a tax refund for overpaid public service taxes due to a corrected assessment from the State Corporation Commission; and

WHEREAS, the Commissioner of the Revenue, the Treasurer, and the County Attorney have recommended that the request for a tax refund, with interest, be granted in the amount of \$3,633.42;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of November, 2002, that the Commissioner of the Revenue is authorized to refund to Verizon Wireless overpaid public service taxes in the amount of \$3,487.97, plus accrued interest in the amount of \$145.45, for a total refund of \$3,633.42.

NEW BUSINESS

APPLICATION NO. YVA-16-02, HUNTER FLETCHER, 223 NELSON STREET

Mr. Carter made a presentation on Application No. YVA-16-02 requesting the construction of an addition to a single-family residence located at 223 Nelson Street in Yorktown. Staff recommended approval of the application through the adoption of proposed Resolution R02-197.

Chairman Wiggins asked if the proposed Historic Yorktown Design Committee was assembled, as suggested by the Planning Commission, would it handle this type of application.

Mr. Carter suggested that if the Board chose to go forward with the Historic District and the Design Guidelines, they also amend the Zoning Ordinance to eliminate the requirement for single-family detached construction to come before the Board for approval. In that case, applications such as this would be referred to the Design Review Committee

Mrs. Noll then moved the adoption of proposed Resolution R02-197 which reads:

A RESOLUTION TO APPROVE THE REQUEST OF G. HUNTER FLETCHER FOR THE CONSTRUCTION OF AN ADDITION TO A SINGLE-FAMILY RESIDENCE LOCATED AT 223 NELSON STREET IN YORKTOWN

WHEREAS, G. Hunter Fletcher has submitted an application requesting permission to construct an addition to the existing single-family residence located at 223 Nelson Street in Yorktown; and

WHEREAS, pursuant to Section 24.1-327(b)(3) of the York County Zoning Ordinance, such requests may be approved by the Board of Supervisors by resolution; and

WHEREAS, the proposed addition's location and design are compatible with adjacent properties and structures;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of November, 2002, that the request of G. Hunter Fletcher for the construction of a single-story addition to the existing residence located at 223 Nelson Street, as described in the County Administrator's report to the Board dated November 6, 2002, be, and it is hereby, approved.

November 19, 2002

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins

Nay: (0)

SPEED LIMIT PROVISIONS – SHERWOOD FOREST, HERON'S WALK, TIDEMILL ESTATES, GREENLANDS AND ADJOINING SUBDIVISIONS

Mr. Carter made a presentation on proposed Resolution R02-196(R) to request that the Virginia Department of Transportation install appropriate signs to establish increased penalties for speeding on certain streets within the Sherwood Forest, Heron's Walk, Tidemill Estates, Greenlands and adjoining subdivisions.

Mr. Burgett pointed out that Denise Drive was in Tidemill Estates and asked if the resolution should reflect that.

Mr. Carter noted that several streets in The Greenlands had been added into the state's highway system and asked that those streets also be included in Resolution R02-196(R).

Mr. Shepperd asked about the effectiveness of the \$200 fine.

Mr. Carter stated that staff had received indications from the residents of Tabb Lakes and Coventry that the signs have a significant impact on the speeding situation. The Sheriff's Department has also indicated that the signs are a very effective deterrent, and it has noticed a decline in speeding instances where the signs have been put into place.

Mr. Shepperd mentioned the upcoming opening of Robin Hood Drive in the Running Man neighborhood. The road does not yet have houses, and speeding frequently occurs through the area. He stated he had received complaints from citizens that there may be an overabundance of the \$200 speeding signs.

Mr. Carter indicated that other measures were available, but they were difficult to achieve and put into place.

Mrs. Noll then moved the adoption of proposed Resolution R02-196(R-1) which reads:

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION INSTALL APPROPRIATE SIGNS, AS STIPULATED IN SECTION 46.2-878.2 OF THE CODE OF VIRGINIA, TO ESTABLISH INCREASED PENALTIES FOR SPEEDING ON CERTAIN STREETS WITHIN THE SHERWOOD FOREST, HERON'S WALK, TIDEMILL ESTATES, GREENLANDS AND ADJOINING SUBDIVISIONS

WHEREAS, Section 46.2-878.2 of the Code of Virginia authorizes the posting of certain residential streets for an increased fine of \$200, in addition to other penalties prescribed by law, for vehicles exceeding the maximum established speed limit; and

WHEREAS, the Virginia Department of Transportation (VDOT) is responsible for administering the regulations established to implement this law and will entertain requests for

establishing the restrictions upon receipt of a formal request and resolution from the Board of Supervisors; and

WHEREAS, residents of Sherwood Forest, Heron's Walk, Tidemill Estates and the Greenlands subdivisions have requested that said restrictions be imposed on streets within their developments; and

WHEREAS, the York County Board of Supervisors perceives that a speeding problem exists based on the observations of the residents and enforcement records reported by the York County Sheriff's office; and

WHEREAS, streets in the subdivisions/areas adjoining Heron's Walk/Tidemill Estates and the Greenlands have been previously designated for the increased penalties and consistency and continuity will be served if the interconnecting streets are also designated; and

WHEREAS, the subject communities have indicated their support for such designations through their homeowners associations or thorough individual signatures; and

WHEREAS, the Board of Supervisors has reviewed these requests and believes that the designated roads meet the eligibility requirements prescribed by VDOT;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of November, 2002, that the Virginia Department of Transportation be, and it is hereby, requested to approve and install signs pursuant to Section 46.2-878.2 of the Code of Virginia, to designate the following street segments as a street on which a fine of \$200 in addition to other penalties prescribed by law may be imposed for violations of the posted speed limit:

Sherwood Forest

- ? Robin Hood Drive (Route 1604) from Route 134 to end

Heron's Walk

- ? Sanctuary Cove (Route 1593) from Yorktown road to end
- ? Denise Drive (Route 1536) from Sanctuary Cove to Tidemill Road

Greenlands

- ? Tristen Drive (Route 1665) from Long Green Boulevard to end
- ? Jonathan Junction (Route 1695) from Tristen Drive to Tabb Lakes Drive (located in Tabb Lakes)
- ? Blevins Run (Route 1668) from Long Green Boulevard to Kerr Lane
- ? Kerr Lane (Route 1686) from Blevins Run to Jara Lane
- ? Jara Lane (Route 1687) from Kerr Lane to Hilda Hollow
- ? Hilda Hollow (Route 1497) from Jara Lane to Gardenville Drive

BE IT FURTHER RESOLVED that the County Administrator is requested to forward a copy of this resolution and any necessary supporting documentation to the Virginia Department of Transportation for its review and approval.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

November 19, 2002

CLOSED MEETING. At 10:09 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.2-3711(a)(3) pertaining to real property used for a public purpose specifically pertaining to the acquisition of real property for a public purpose; and Section 2.2-3711(a)(5) to discuss a prospective business or industry or expansion of an existing business or industry where no previous announcement has been made.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

Meeting Reconvened. At 11:28 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of November, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

APPOINTMENT TO THE STORMWATER ADVISORY COMMITTEE

Mr. Zaremba moved the adoption of proposed Resolution R02-194 which reads:

November 19, 2002

A RESOLUTION TO APPOINT MEMBERS TO THE STORMWATER
ADVISORY COMMITTEE

BE IT RESOLVED by the York County Board of Supervisors this the 19th day of November, 2002, that the following individuals be, and they are hereby, appointed as voting members to the York County Stormwater Advisory Committee, such appointments to take effect December 1, 2002, and expire on November 30, 2003.

Edward G. Moninger	District 1
George S. Hrichak	District 4
Donald W. Davis	District 4
M. Kenneth Taylor, Jr.	District 5

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

APPOINTMENT TO THE YORK COUNTY BOARD OF ZONING/SUBDIVISION APPEALS

Mr. Burgett moved the adoption of proposed Resolution R02-184 which reads:

A RESOLUTION TO RECOMMEND THE APPOINTMENT OF AN IN-
DIVIDUAL TO THE YORK COUNTY BOARD OF ZON-
ING/SUBDIVISION APPEALS

WHEREAS, the term of Donald W. Davis on the York County Board of Zoning/Subdivision Appeals expires on December 31, 2002; and

WHEREAS, Mr. Davis was first appointed to the Board of Zoning/Subdivision Appeals on March 8, 1996, to fill the unexpired term of Agnes B. McGhee; and

WHEREAS, Mr. Davis has served as Vice Chairman and presently serves as Chairman of the Board of Zoning/Subdivision Appeals; and

WHEREAS, Mr. Davis is eligible for reappointment to said Board and has indicated he wishes to serve another term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 19th day of November, 2002, that Donald W. Davis be, and he hereby is, recommended for appointment to the York County Board of Zoning/Subdivision Appeals, such term to begin January 1, 2003, and expire December 31, 2007.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

896

November 19, 2002

Meeting Adjourned. At 11:32 p.m. Mr. Zaremba moved that the meeting be adjourned to 7:30 a.m., Tuesday, November 26, 2002, in the Gallery, York Hall, for the purpose of conducting a joint meeting with York County's legislative delegation.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins

Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors